IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2774 OF 2005

Shri Lalasaheb Datoba Pawar & Anr. ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr.R.G.Ketkar for Applicants.

Mr.K.V.Saste, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

APRIL 29, 2005.

P.C.

1. The Applicants have been arrested in connection with offence punishable under Section 302 read with Section 34 of the Indian Penal Code, essentially on suspicion. There is no eye-witness to the incident. The only suspicion pointing towards the involvement of the Applicants in the murder of Suresh Bhosale is that the Applicants had administered threat to him on the earlier occasion. That, by itself, does not mean that the Applicants

have committed murder of Suresh Bhosale. No other evidence is forthcoming to indicate the complicity of the Applicants in the commission of the crime.

2. Learned A.P.P. states that clothes have been recovered from the residence of the Applicants.

3. Recovery of clothes from the residence of the Applicants has no relevance, for the simple reason that the said clothes belong to the Applicants. Besides, no blood stains are noticed on the said clothes. As no other incriminating material is forthcoming, the Applicants are entitled for bail, but on following strict conditions:

(a) The Applicants are directed to be released on bail in connection with C.R.No.88 of 2005 registered with Karad City Police Station on executing personal bond in the sum of Rs.15,000/- (Rupees Fifteen thousand) each, with two local sureties in the like amount.

(b) The Applicants shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(c) The Applicants shall report to the Investigating Officer, twice a week on Wednesday and Sunday till the filing of the charge-sheet.

(d) The Applicants shall not leave the jurisdiction of Karad City Police Station, without prior intimation to the Investigating Officer in that behalf, till the filing of the charge-sheet.

(e) The Applicants shall co-operate for the early disposal of the trial. If the Trial Court is of the opinion that the Applicants are, in any manner, responsible for causing delay in disposal of the trial, that fact be recorded in the Roznama, which can be a ground for cancellation of bail.

4. Application disposed of accordingly.

A.M.KHANWILKAR, J.